

City of Albuquerque
Zoning Enforcement Town Hall
Meeting Report

Background:

The City of Albuquerque hosted a Zoning Enforcement Town Hall on August 4, 2007 to obtain citizen input regarding zoning enforcement issues. Over 140 citizens participated with many voicing their concerns, as well as, suggesting potential solutions to current issues. An eight-member citizen panel, comprised of neighborhood activists, was present to share their experiences in working with the City of Albuquerque on land use issues. City staff was also present to listen to issues identified by citizens and obtain information regarding specific situations that may require action.

This report highlights suggestions made for the City and citizens to improve the zoning enforcement process, in addition to, specific information from the comments made at the Town Hall.

Proposals for improving Zoning Enforcement:

Suggestions for the City of Albuquerque:

- Separate PO Box for Critical Departments.
 - Such as Planning and Solid Waste because it has been common experience that complaints do get lost when they are sent to the general PO Box and a separate box may eliminate the problem.
- Develop a Complaint Tracking Database.
 - Similar to the 311 database, where reference numbers are provided, for zoning enforcement complaints. Citizens could query the database by address or date complaint filed and all departments could log into the database and comment on the steps they have taken to resolve the issue.
- Outreach to citizens to develop and improve relationships with Neighborhood Associations/Business Owners.
 - City departments are encouraged to attend neighborhood meetings to continue development of relationships between citizens and the City.
 - Zoning enforcement should work with neighborhood associations to fully understand the circumstances of specific cases.
 - There may be circumstances such as illness or a job loss that is impacting the owner's situation.
 - Given the expense to small business owners for temporary, seasonal advertising signs, a handout for sign owners, with phone numbers, about where the City is taking the sign would continue to improve communication to the public.

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- Develop reporting system on City homepage for Non-Compliance Signage.
 - Provide an option on the City webpage for submittal of troublesome signs.
- Options to improve Nuisance Residential Situations.
 - Nuisance abatement should have someone available on weekends, because that is when parties and burglaries occur.
 - It would be helpful to have a fence on the front of the house to keep people out.
 - Preventing issues would save time for police and nuisance abatement from writing reports.
 - Creation of an expedited process for known nuisance residential situations.
- Training.
 - Additional training for city staff at the Planning Department front counter would be helpful so that neighborhood isn't placed in the role of explaining why a person can't apply for a special exception.
- Covenant Awareness with Applications.
 - Neighbors do not expect City to enforce covenants, but please don't approve projects that violate covenants.
- Inoperable vehicles.
 - Develop a uniform letter on City letterhead to give to Neighborhood Associations. Neighborhood Associations can pass out the letter to problem properties to let people know what is expected of them.
 - The more people that know about rules and regulations the better. A lot of people don't know they are not complying with the rules and want to comply.
 - Write an article in the Neighborhood newsletter that addresses inoperable vehicles and that lets new people moving in know what the City requires.
- Vacant Lots.
 - Better laws regarding absentee landowners need to be developed.
 - There are cities that have absentee landowners work with the city to come up with a plan for the lot.

Suggestions for Citizens:

- Work with Inspectors.
 - Call inspectors and explain specific situations that led to the issuance of a citation. Listen and work with inspectors to amicably resolve the situation.

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- Options for Submission of Complaints
 - Citizens may hand deliver material and get the material signed off on from the City staff when delivered. Citizens should also follow up on the delivered material.
 - Another option may be to send a digital camera picture to zoning enforcement over email. Zoning enforcement can view whether there is a problem on the property or if progress is being made.
- Develop relationships with critical City departments.
 - Neighborhood Associations should develop personal relationships with departments.
- Report non-complaint signs to zoning enforcement.
 - Do not pick up signs yourself as they can be in dangerous areas (heavy traffic, etc).
- Information applying to your Neighborhood.
 - Familiarize and understand the zoning code, the comprehensive plan, and any applicable area and sector plans.
- Inoperable Vehicles.
 - Report inoperative vehicles to zoning enforcement through 311.
- Incomplete Work on Homes.
 - If a home is not water tight, those issues can be reported to and addressed by zoning enforcement.
- Debris on Large Commercial Lots.
 - It is recommended that neighborhood associations write letters to businesses indicating the issue and attaching the zoning code. It assists zoning code enforcement when a complaint is filed.
- Assistance for those in need.
 - There are numerous volunteer organizations that can help those in need with minor repairs.
 - Red Cross 265-8511
- City Processes.
 - Utilize all steps of the hearing board process, including appeal processes.

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Meeting Specifics:

- Zoning Enforcement Inspection Process:
 - *Inquiry:* Utilizing a personal experience as a background, a citizen expressed concern regarding:
 - Whether Zoning Enforcement Inspectors (Inspectors) are allowed to enter a property without permission;
 - Whether Inspectors examine other lots surrounding the individual property; and
 - Whether there are consequences for Inspectors if a mistake is made.
 - *Response (Matthew Conrad):*
 - Inspectors do not trespass on private property.
 - Inspectors may go into a neighbor's yard, at the neighbor's invitation, to view the property in question.
 - Inspectors do not climb onto anything in the neighbor's yard to observe the property in question, they only observe what is in plain view.
 - Inspectors are instructed to complete a 360-degree view of surrounding properties and if anything is observed as a violation, it is to be cited.
 - In regard to the specific property, 6 other complaints were filed on surrounding properties.
 - Once a property is in compliance, the owner can ask for re-inspection and Zoning Enforcement will dismiss citation prior to court date.
 - *Response (Citizen Panel):*
 - Experience with Zoning Enforcement is that they have been very helpful and understanding about individual situations. Specifically, a panelist had a situation where a citation included the trimming of bushes at a certain time of year. Panelist was concerned that trimming the bushes at that time of year would kill the bushes and that compliance with trimming requirements would be difficult because the sidewalks in front of house were not straight.
 - The panelist found the inspector to be very understanding.
 - *Potential Solutions (Citizen Panel):*
 - Call inspectors and explain specific situation. Listen and work with inspectors to amicably resolve the situation.

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- Apartment Complex Dumpster Location:
 - *Inquiry:* There is a specific apartment complex that has a problem with their dumpster. Where it was located resulted in the nicking of pavement every time it was emptied. The dumpster is now on the public sidewalk and is used by residences nearby. The citizen lives next door. Solid Waste and Zoning Enforcement have been contacted with no response.
 - *Response (Citizen Panel):*
 - Apartment complex's plans are reviewed by the Solid Waste Department so that department approves where the dumpster is located.
 - *Response (Leonard Garcia):*
 - Situation as described is unacceptable and Solid Waste will look into the problem.
- Tracking of Zoning Code Enforcement Complaints:
 - *Inquiry:* A citizen expressed frustration that complaints often seem to get lost in the system. Specifically, the citizen feels that there is a lack of enforcement of weed code violations. Through neighborhood efforts, the neighborhood obtained voluntary compliance on 9 properties. However, the remaining properties have received no action from the City.
 - *Response (Richard Dineen):*
 - Apologized to citizen for the frustrating experience and ensured citizen that the complaints handed to Mr. Dineen at the Town Hall will be reviewed.
 - *Response (Citizen Panel):*
 - Zoning Enforcement Complaints are public information and any citizen can go down to the Planning Department to see a file and determine the status of a specific complaint.
 - *Potential Solutions (Citizen Panel):*
 - Have a specific post office box for critical departments such as Planning and Solid Waste because it has been a common experience that complaints do get lost when they are sent to the general PO Box.
 - Develop a database, similar to the 311 database, where reference numbers are provided, for zoning enforcement complaints. Citizens could query the database by address or date of complaint filed and all departments could log into the database and comment on the steps they have taken to resolve the issue.

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- Citizens can hand deliver material and get the material signed off on from the City staff when delivered. Citizens should also follow up on the delivered material.
 - Neighborhood Associations should develop personal relationships with departments and agencies.
 - City departments are encouraged to attend neighborhood meetings to continue development of relationships between citizens and the City.
- Signage:
 - *Inquiry:* The following concerns regarding inappropriate signage were expressed:
 - Department does not take action unless there is a complaint;
 - No feedback is received on whether action was taken;
 - If a complaint is given to the wrong Inspector, the complaint is not forwarded to the proper person; and
 - There is a lot of inactivity on filed complaints.
 - Additionally, a small business owner had a temporary sign advertising a seasonal sale. Owner stated that the City was asked if a permit was required for such a sign and was told that no permit was needed. City removed the sign without contacting owner or giving opportunity to comply.
 - *Response (Richard Dineen):*
 - A sign ordinance is currently being developed for the City to address problem signage. John Dubois of Legal is working on the new ordinance.
 - Over 5,000 illegal signs have been collected. Some by Richard Dineen personally.
 - Illegal signs are being vigorously prosecuted by John Dubois. Currently, 11 people are being prosecuted for illegal signs.
 - The Planning Department recognizes that it is important for small businesses to be able to advertise but the sign described is not one that met the requirements of the zoning code.
 - The sign ordinance will be reevaluated, specifically evaluation will occur for the rules for right of way and pick up.
 - Suggestions from the Town Hall will be considered when the ordinance is reevaluated
 - *Response (John Dubois):*
 - In regard to question of whether sign companies are prosecuted –
 - Sign companies are not liable for making signs.
 - Sign installers can be liable, but need to be caught and be proven beyond a reasonable doubt.

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- *Response (Matthew Conrad):*
 - Any freestanding sign has to have a permit.
 - All inspectors are instructed if they see a new sign being installed to stop and ask for the permit.
 - Before Matthew's tenure, signs were not prosecuted. Now non-compliance signs are prosecuted.
 - Goal is to stop the use of illegal signs. Therefore, options to owners with illegal signs are:
 - A nuisance abatement agreement can be developed to pay \$2,000 rather than going to court.
 - A contact person for the property also has to be listed.
 - Additionally, any new sign that violates the zoning code, the business has to write a check for \$400.
 - Otherwise the owner will be taken to court and ask for 90 days in jail and \$500 amount per day of violations.
- *Potential Solutions (Richard Dineen):*
 - Help Code Enforcement by reporting illegal signs
 - Do not pick up signs yourself as they can be in dangerous areas (heavy traffic, etc).
- *Potential Solutions (Citizen Panel):*
 - Provide an option on the City webpage for submittal of troublesome signs.
 - Given the expense to small business owners for temporary, seasonal, advertising signs, a handout for sign owners, with phone numbers, about where the City is taking the sign would continue to improve communication to the public.
- Nuisance Residential Situations:
 - *Inquiry:* There is a concern that once a nuisance house is posted, it is an open invitation to parties and burglaries.
 - *Potential Solutions (Provided by Speaker):*
 - Nuisance abatement should have someone available on weekends, because that is when parties and burglaries occur.
 - It would be helpful to have a fence on front of house to keep people out.
 - Preventing issues would save time for police and nuisance from writing reports

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- Creation of an expedited process for known residential situations.
- The Role of Neighborhood Advocates:
 - *Inquiry:* Concern was expressed that at times it feels that the City pits neighbor against neighbor by giving the impression that the neighborhood is responsible for making exceptions to current laws.
 - Requests that if there is a law in place, please don't instruct a person to ask the neighborhood representative if the neighborhood will make an exception to the law.
 - *Potential Solutions (Citizen Panel):*
 - Additional training for City staff at the Planning Department front counter would be helpful so that neighborhood isn't placed in the role of explaining why a person can't apply for a special exception.
 - Familiarize yourself with any applicable sector or area plans for your area.
 - Neighbors do not expect City to enforce covenants, but please don't approve applications that violate covenants.
- Front Yard Parking:
 - *Inquiry:* Concern was expressed that this is a common problem throughout the City.
 - *Response (Citizen Panel):*
 - Original ordinance addressing this issue was very complex. A task force was organized and revised the original ordinance. Additional detail was added to the revised ordinance at the City Council level.
 - Zoning enforcement should use common sense with this issue and if there are 7 trucks and 2 cars filling a yard and encroaching on a setback, than a citation should be issued.
 - The ordinance requirements also impact cars in backyard.
 - *Response (Matthew Conrad):*
 - Zoning enforcement does enforce against inoperative motor vehicles.
 - The first court case is in the next few weeks.
 - There are numerous complaints made regarding inoperative vehicles.
 - When inspectors drive by, the vehicle often looks operative.
 - Once the inspector knows the car is inoperative, the owner is given the option to fix or move the car.

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- Cars must be parked on an improved drive path. Zoning enforcement won't let owners modify a driveway to permit more than 60% parking.
 - Zoning enforcement will not let owners park vehicles on grass.
- *Potential Solutions (Matthew Conrad):*
 - Report inoperative vehicles to zoning enforcement through 311.
- *Potential Solutions (Speaker):*
 - Develop a uniform letter on City letterhead to give to Neighborhood Associations. Neighborhood Associations can pass out the letter to problem properties to let people know what is expected of them.
 - The more people that know about rules and regulations the better. A lot of people don't know they are not complying with the rules and want to comply.
- *Potential Solutions (Citizen Panel):*
 - Write an article in the Neighborhood newsletter that addresses inoperable vehicles and that lets new people moving in know what the City requires.
- Bird debris:
 - *Inquiry:* Bird debris is an issue. Which department is responsible for cleaning up bird debris?
 - *Response (Leonard Garcia):*
 - Solid waste is responsible bird debris removal.
 - Due to the health issues associated with bird debris, clean-up is a cumbersome process that requires special uniforms and materials to kill biological components.
 - Timing of bird debris removal will be evaluated to determine if areas need to be cleaned more quickly.

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- Vacant lots:
 - *Inquiry:* A citizen expressed concern about clean (weed free) vacant lots that are inhabited by drug dealers, old vehicles, and campsites for transients.
 - *Response (Citizen Panel):*
 - Better laws regarding absentee landowners need to be developed.
 - There are cities that have absentee landowners work with the city to come up with a plan for the lot.
- Pedestrian Walkway Access:
 - *Inquiry:* There is a specific walkway that is difficult to walk down because so much trash has accumulated.
 - *Response (Citizen Panel):*
 - It needs to be determined which organization has jurisdiction of the arroyo/drain – the City or AMAFCA.
 - *Response (John Castillo):*
 - Specific information about the location will be obtained and the issue will be looked into.
- Incomplete Work on Homes:
 - *Inquiry:* Concern was expressed about homes that receive permits to complete additions; however, the additions are only partially done for years.
 - It is the citizen's understanding that once a permit is issued, that there is no timeline for the work to be completed.
 - Can the permit process be amended to give homeowners a timeline for completing projects?
 - *Response (Matthew Conrad):*
 - There is currently no language in the zoning code that dictates that additions are to be completed within a certain period of time.
 - However, if a home is not water tight, that is a housing issue and can be addressed by zoning enforcement.
- Debris on Large Commercial Lots:
 - *Inquiry:* How is debris/litter clean up addressed on large commercial lots?

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- *Response (Matthew Conrad):*
 - Businesses are responsible just like residential homes. Often commercial owners will respond that the business did not dump the debris, but ultimately the owner is responsible.
- *Potential Solutions (Citizen Panel):*
 - It is recommended that neighborhood associations write letters to businesses indicating the issue and attaching the zoning code. It assists zoning code enforcement when a complaint is filed.
- Extension Process:
 - *Inquiry:* Is there a uniform way of obtaining extensions?
 - *Response (Matthew Conrad):*
 - For weeds, the owner is given 10 days to 2 weeks from the notice of violation to fix the problem.
 - If an inspector sees progress then an extension is always given.
 - The goal of zoning enforcement is compliance with the City zoning code, not to place people in jail.
 - Zoning enforcement is willing to work with people on extensions. Individuals just need to call.
 - *Possible Solutions (Citizen Panel):*
 - One suggestion might be to send a digital camera picture to zoning enforcement over email. Zoning enforcement can view whether there is a problem on the property or if progress is being made.
 - Zoning enforcement should work with neighborhood associations to fully understand the circumstances of specific cases.
 - There may be circumstances such as illness or a job loss that is impacting the owner's situation.
 - There are numerous volunteer organizations that can help those in need with minor repairs.
 - Red Cross 265-8511.
- Hearing Board Processes:
 - *Inquiry:* Citizen believes a mistake was made regarding the approval of an application to the Zoning Hearing Office.
 - *Possible Solutions (Citizen Panel):*
 - Utilize all steps of the hearing board process, including appeal processes.

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- Familiarize and understand the zoning code and any sector or area plans applicable to your area.

Expressions of Appreciation:

Throughout the meeting, individuals, departments, and divisions received comments expressing gratitude at their response to issues in the community. The following individuals and organizations were specifically identified and thanked for their efforts:

- Stella Candelaria
- Matthew Conrad
 - mattconrad@cabq.gov
- Pete Dinelli, Deputy City Attorney
- Chief of Police Ray Schultz
- 311
- Crime and Nuisance Abatement Teams
- Graffiti Removal Services